

20/11/02



JC997 U.S. PTO

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Date of Deposit February 11, 2002 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Box PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231.

Seini Matangi SMatangi

(Typed or printed name of person mailing paper or fee)

10/074595 PTO  
JC997 U.S. PTO



02/11/02

#41A  
8-28-02  
RD

Patent  
Attorney's Docket No. 005699-512

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

### REQUEST FOR FILING CONTINUATION/DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

**Box PATENT APPLICATION**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a [x] continuation [ ] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/500,650 filed on February 9, 2000, for α-ARYL-N-ALKYLNITRONES AND PHARMACEUTICAL COMPOSITIONS CONTAINING THE SAME, by the following named inventor(s):

- |               |                    |
|---------------|--------------------|
| (a) Full Name | Judith A. Kelleher |
| (b) Full Name | Kirk R. Maples     |
| (c) Full Name | Alina Dykman       |
| (d) Full Name | Yong-Kang Zhang    |
| (e) Full Name | Allan L. Wilcox    |
| (f) Full Name | Julian Levell      |

- [ ] Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.
- [x] The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- [ ] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.



21839

(12/01)

Request for Filing Continuation/Divisional Application  
of Application No. 09/500,650  
Attorney's Docket No. 005699-512

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(a) Full Name \_\_\_\_\_  
(b) Full Name \_\_\_\_\_  
(c) Full Name \_\_\_\_\_

- [ ] This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

(a) Full Name \_\_\_\_\_  
(b) Full Name \_\_\_\_\_  
(c) Full Name \_\_\_\_\_

- [x] Applicant(s) suggests Figure 1 for inclusion on the front page of the patent application publication and/or patent.

1. [x] Enclosed is a copy of the prior Application No. 09/500,650 as originally filed on February 9, 2000, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. [ ] Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. [ ] Small entity status is hereby claimed.
4. [x] The filing fee is calculated below [ ] and in accordance with the enclosed preliminary amendment:

CLAIMS					
	No. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$740.00 (101)
Total Claims	20	MINUS 20 =	-0-	× \$18.00 (103) =	-0-
Independent Claims	3	MINUS 3 =	-0-	× \$84.00 (102) =	-0-
If multiple dependent claims are presented, add \$280.00 (104)					-0-
Total Application Fee					\$740.00
If small entity status is claimed, subtract 50% of Total Application Fee					-0-
Add Assignment Recording Fee of \$__ if Assignment document is enclosed					-0-
<b>TOTAL APPLICATION FEE DUE *Filing Fees are Not Included*</b>					\$740.00

Request for Filing Continuation/Divisional Application  
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5. [x] This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.

6. [x] Amend the specification by inserting before the first line the sentence: This application is a [x] continuation, [ ] divisional of Application No. 09/500,650, filed February 9, 2000, which was a continuation of Application No. 09/172,673, filed October 15, 1998, now abandoned. U.S. Patent 6,046,232

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7. [ ] The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

6. [x] Cancel in this application original claims 1-44, 49 and 53 of the prior application before calculating the filing fee.

7. [ ] New drawings are enclosed.

8. [ ] Priority of Application No. \_\_ filed on \_\_ in \_\_ (country) is claimed under 35 U.S.C. § 119.

[ ] The certified copy of the priority application

[ ] is enclosed.

[ ] was filed on \_\_ in prior Application No. \_\_, filed on \_\_, and acknowledged by the Examiner on \_\_ in Paper No. \_\_.

[ ] has not yet been filed.

9. [x] A preliminary amendment is enclosed.

10. [ ] An Information Disclosure Statement is enclosed.

11. [ ] A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.

12. [x] Also enclosed return postcard ; photocopy of 5-month Extension of Time to maintain pendency of Appln. No. 09/500,650.

13. [x] The power of attorney in the prior application is to William H. Benz, Esq. et al.  
a. [x] The power appears in the original papers in the prior application.  
b. [ ] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
c. [ ] Recognize as Associate Attorney \_\_.

Request for Filing Continuation/Divisional Application  
of Application No. 09/500,650  
Attorney's Docket No. 005699-512

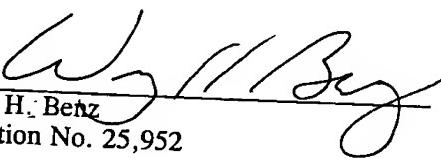
Page 4

- d.  Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

William H. Benz, Esq.  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: February 11, 2002

By:

  
William H. Benz  
Registration No. 25,952

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(650) 622-2300

- inventor(s)  
 assignee of complete interest  
 attorney or agent of record  
 filed under 37 C.F.R. § 1.34(a)

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FEB 11 2002

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C., 20231, ON:

Date: February 11, 2002

By: Faye D. Knowles  
Faye D. Knowles

jc997 U.S.P.T.O.  
10/074595  
02/11/02

Patent  
Attorney's Docket No. 005699-379

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
Judith A. Kelleher, et al. ) Group Art Unit: 1621  
Application No.: 09/500,650 ) Examiner: J. Vollano  
Filed: February 9, 2000 )  
For:  $\alpha$ -ARYL-N-ALKYLNITRONES AND )  
PHARMACEUTICAL COMPOSITIONS )  
CONTAINING THE SAME )

**PETITION FOR EXTENSION OF TIME**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The following extension of time is requested to maintain pendency in this application with regard to a Notice of Appeal filed July 10, 2001:

*Benz* four months to February 11, 2002; the extension fee is:  
 \$720.00 (218)  \$1,440.00 (118) 1960.00

- An extension fee in the amount of \$ 1,440.00 is enclosed.  
 Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: W.H. Benz  
William H. Benz  
Registration No. 25,952

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
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Date: February 11, 2002